

KERR & WAGSTAFFE LLP

Patricia L. Peden (SBN 206440)
peden@kerrwagstaffe.com
 Julia A. Stockton (SBN 286944)
stockton@kerrwagstaffe.com
 100 Spear Street, 18th Floor
 San Francisco, CA 94105-1528
 [Tel.] (415) 371-8500
 [Fax] (415) 371-0500

GARTEISER HONEA, P.C.

Randall T. Garteiser (SBN 231821)
randall.garteiser@sfttrialattorneys.com
 Christopher A. Honea (SBN 232473)
chris.honea@sfttrialattorneys.com
 44 North San Pedro Road
 San Rafael, California 94903
 [Tel.] (415) 785-3762
 [Fax] (415) 785-3805

NELSON BUMGARDNER CASTO, P.C.

Barry J. Bumgardner (*pro hac vice*)
barry@nbclaw.net
 Steven W. Hartsell (*pro hac vice*)
shartsell@nbclaw.net
 3131 West 7th Street, Suite 300
 Fort Worth, Texas 76107
 [Tel.] (817) 377-9111
 [Fax] (817) 377-3485

BURNS & LEVINSON LLP

Howard J. Susser (*pro hac vice*)
hsusser@burnslev.com
 Zachary R. Gates (*pro hac vice*)
zgates@burnslev.com
 Alexandra Capachietti (*pro hac vice*)
acapachietti@burnslev.com
 125 Summer Street
 Boston, Massachusetts 02110
 [Tel.] (617) 345-3000
 [Fax] (617) 345-3299

DONOVAN HATEM LLP

Paul T. Muniz (*pro hac vice*)
pmuniz@donovanhatem.com
 53 State Street, 8th Floor

FISH & RICHARDSON, P.C.

Katherine K. Lutton (State Bar No. 194971)
lutton@fr.cm
 Kelly C. Hunsaker (State Bar No. 168307)
hunsaker@fr.com
 Enrique Duarte (State Bar No. 247523)
duarte@fr.com
 500 Arguello Street, Ste. 500
 Redwood City, California 94063
 [Tel.] (650) 839-55070
 [Fax] (650) 839-5071

Ruffin B. Cordell (*pro hac vice*)

cordell@fr.com
 1425 K Street, NW
 Suite 1100
 Washington, DC 20005
 [Tel.] (207) 783-5070
 [Fax] (207) 783-2331

Christopher O. Green (*pro hac vice*)

cgreen@fr.com
 Aamir A. Kazi (*pro hac vice*)
kazi@fr.com
 Jacqueline Tio (*pro hac vice*)
tio@fr.com
 1180 Peachtree Street, 21st Floor
 Atlanta, Georgia 30309
 [Tel.] (404) 892-5005
 [Fax] (404) 892-5002

Benjamin C. Elacqua (*pro hac vice*)

elacqua@fr.com
 1221 McKinney, Suite 2800
 Houston, Texas 77010
 [Tel.] (713) 654-5300
 [Fax] (713) 652-0109

WILMER CUTLER PICKERING HALE AND DORR LLP

Joseph J. Mueller (*pro hac vice*)
joseph.mueller@wilmerhale.com
 50 State Street
 Boston, Massachusetts 02109
 [Tel.] (617) 526-6000

1 Boston, Massachusetts 02109

2 [Tel.] (617) 406-4610

3 [Fax] (617) 406-4507

4 **Attorneys for Plaintiff GPNE Corp.**

[Fax] (617) 526-5000

Matthew Hawkinson (State Bar No. 248216)

matthew.hawkinson@wilmerhale.com

350 South Grand Avenue, Suite 2100

Los Angeles, California 90071

[Tel.] (213) 443-5300

[Fax] (213) 443-5400

5 Mark D. Selwyn (State Bar No. 244180)

6 Mark.selwyn@wilmerhale.com

950 Page Mill Road

7 Palo Alto, CA 94304

[Tel.] (650) 858-6000

8 [Fax] (650) 858-6100

9 **Attorneys for Defendant Apple, Inc.**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(San Jose Division)

GPNE CORP.,

Plaintiff,

v.

APPLE, INC.,

Defendant.

Case No.: 12-cv-02885-LHK

**JOINT STIPULATION REQUESTING
ORDER TO EXTEND EXPERT-
RELATED DEADLINES AS SET FORTH
IN APRIL 3, 2014 CASE MANAGEMENT
ORDER (DKT. NO. 231)**

Pursuant to Civil L.R. 6-1 and 6-2, Plaintiff GPNE Corp. ("GPNE") and Defendant Apple Inc. ("Apple") through their respective counsel, stipulate to request an Order changing the expert-related deadlines set forth in the Court's April 3, 2014 Case Management Order (Dkt. No. 231) as follows:

- Deadline for GPNE's Damages Expert Report moved from April 17, 2014 to April 21, 2014; and
- Deadline for Apple's Supplemental Damages Expert Report moved from May 1, 2014 to May 5, 2014.

The terms and basis of the stipulation to request an Order to extend the expert-related deadlines are as follows:

1. On April 3, the Court held hearings on Apple's Motion for Summary Judgment of Noninfringement and Invalidity of U.S. Patent Numbers 7,570,954, 7,555,267 and 7,792,492, Apple's Motion to Exclude the Testimony of GPNE's Expert Michael Dansky, Apple's Motion to Exclude the Testimony of GPNE's Expert Dr. Esmael Dinan, Apple's Motion to Strike Portions of Dr. Esmael

1 Dinan's Expert Report and GPNE's New Infringement Theories, and GPNE's Motion to Exclude
2 Apple's Expert Paul K. Meyer.

3 2. On April 3, 2014, the Court entered a Case Management Order, setting the deadlines for
4 GPNE's Damages Expert Report for April 17, 2014 and for Apple's Supplemental Damages Expert
5 Report for May 1, 2014, among other dates not impacted by the instant stipulation.

6 3. On April 16, 2014, the Court entered its Order re: GPNE and Apple's Motions to
7 Exclude Expert Testimony and Apple's Motion to Strike Expert Report and Infringement Contentions
8 (Dkt. No. 242).

9 4. On April 17, 2014, the parties stipulated to an extension of the deadlines for GPNE's
10 Damages Expert Report and Apple's Supplemental Damages Expert Report.

11 5. The previous time modifications in this case are as follows:

12 a. On January 14, 2013, the Court granted the parties' Joint Stipulation for
13 Extension of Time for Defendants to Respond to GPNE's Motion for Clarification/Relief as to
14 Interim Protective Order (Dkt. No. 52);

15 b. On February 5, 2013, the Court granted in part and denied in part the parties'
16 joint stipulation to extend the deadline for GPNE to respond to Defendants' Motions to Stay
17 (Dkt. No. 59);

18 c. On May 6, 2013, the Court granted the parties' agreed motion to extend the
19 deadline for GPNE to file its Reply *Markman* Brief (Dkt. No. 74);

20 d. On October 10, 2013, the Court granted the parties' joint stipulation to extend
21 the deadlines to file a response and reply relative to GPNE's Motion for Leave to
22 Amend/Supplement Its Infringement Contentions (Dkt. No. 103);

23 e. On October 24, 2013, the Court granted the parties' Joint Stipulation to Extend
24 Expert-Related Deadlines for Fourteen Days (Dkt. No. 114);

25 f. On October 25, 2013, the Court granted the parties' Joint Stipulation Requesting
26 an Order to Change the November, 5, 2013 Hearing Date (Dkt. No. 115);

g. On November 22, 2013, the Court granted the parties' Joint Stipulation for Extension of Time for GPNE to File its Reply Brief with respect to its Motion to Amend/Supplement Its Infringement Contentions (Dkt. No. 134);

h. On November 26, 2014, the Court granted the parties' Joint Stipulation for Extension of time for GPNE to file its Reply Brief Regarding GPNE's Motion to Compel (Dkt. No. 138);

i. On December 3, 2013, the Court granted the parties' Joint Stipulation for Extension of Time for GPNE to file its Opposition to Apple's Motion for Protective Order (Dkt. No. 142);

j. On December 5, 2013, the Court granted the parties' Joint Stipulation for Extension of Time for the parties' to file their respective response and reply regarding GPNE's Motions to Compel (Dkt. No. 144); and

k. At the hearing before the Court on December 17, 2013, and upon request from GPNE, the Court entered an Order extending the opening expert reports deadline from December 21, 2013 to January 4, 2014 and extending rebuttal expert reports deadline from January 21, 2013 to February 7, 2014 (Dkt. No. 164).

6. Other than the above requests, no additional extensions of time have been requested or granted.

7. This requested modification will alter two of the three expert-related deadlines imposed by the Court on April 3, 2014¹, but will not alter the date of any other event or deadline already fixed by Court Order.

THEREFORE, IT IS HEREBY STIPULATED by and between GPNE and Apple to request that the Court extend the previously-ordered expert-related deadlines, such that GPNE's Damages

¹ The parties are not seeking to modify the current deadline for the Close of Expert Discovery: New Expert Depositions of May 15, 2014 (Dkt. No. 231).

Expert Report is due for exchange on April 21, 2014 and Apple's Supplemental Damages Expert Report is due for exchange on May 5, 2014.

Dated: April 17, 2014

April 17, 2014

KERR & WAGSTAFFE LLP

/s/ Patricia L. Peden

Patricia L. Peden (SBN 206440)

peden@kerrwagstaffe.com

Julia A. Stockton (SBN 286944)

stockton@kerrwagstaffe.com

100 Spear Street, 18th Floor

San Francisco, CA 94105-1528

[Tel.] (415) 371-8500

[Fax] (415) 371-0500

NELSON BUMGARDNER CASTO, P.C.

Barry J. Bumgardner (*pro hac vice*)

barry@nbclaw.net

Steven W. Hartsell (*pro hac vice*)

shartsell@nbclaw.net

3131 West 7th Street, Suite 300

Fort Worth, Texas 76107

[Tel.] (817) 377-9111

[Fax] (817) 377-3485

BURNS & LEVINSON LLP

Howard J. Susser (*pro hac vice*)

hsusser@burnslev.com

Zachary R. Gates (*pro hac vice*)

zgates@burnslev.com

Alexandra Capachietti (*pro hac vice*)

acapachietti@burnslev.com

125 Summer Street

Boston, Massachusetts

[Tel.] 617-345-3000

[Fax] 617-345-3299

DONOVAN HATEM LLP

Paul T. Muniz (*pro hac vice*)

pmuniz@donovanhatem.com

53 State Street, 8th Floor

Boston, Massachusetts 02109

FISH & RICHARDSON, P.C.

/s/ Benjamin C. Elacqua

Katherine K. Lutton (State Bar No. 194971)

lutton@fr.com

Enrique Duarte (State Bar No. 247523)

duarte@fr.com

Kelly C. Hunsaker (State Bar No. 168307)

hunsaker@fr.com

500 Arguello Street, Ste. 500

Redwood City, California 94063

[Tel.] (650) 839-55070

[Fax] (650) 839-5071

Ruffin B. Cordell (*pro hac vice*)

cordell@fr.com

1425 K Street, NW

Suite 1100

Washington, DC 20005

[Tel.] (207) 783-5070

[Fax] (207) 783-2331

Christopher O. Green (*pro hac vice*)

cgreen@fr.com

Aamir A. Kazi (*pro hac vice*)

kazi@fr.com

Jacqueline Tio (*pro hac vice*)

tio@fr.com

1180 Peachtree Street, 21st Floor

Atlanta, Georgia 30309

[Tel.] (404) 892-5005

[Fax] (404) 892-5002

Benjamin C. Elacqua (*pro hac vice*)

elacqua@fr.com

1221 McKinney, Suite 2800

Houston, Texas 77010

[Tel.] (713) 654-5300

[Fax] (713) 652-0109

[Tel.] (617) 406-4610
[Fax] (617) 406-4507

**WILMER CUTLER PICKERING HALE AND
DORR LLP**

GARTEISER HONEA, P.C.
Randall T. Garteiser (SBN 231821)
randall.garteiser@sftrialattorneys.com
Christopher A. Honea (SBN 232473)
chris.honea@sftrialattorneys.com
44 North San Pedro Road
San Rafael, California 94903
[Tel.] (415) 785-3762
[Fax] (415) 785-3805

Joseph J. Mueller (*pro hac vice*)
joseph.mueller@wilmerhale.com
50 State Street
Boston, Massachusetts 02109
[Tel.] (617) 526-6000
[Fax] (617) 526-5000

Attorneys for Plaintiff GPNE Corp.

Matthew Hawkinson (SBN 248216)
matthew.hawkinson@wilmerhale.co
350 South Grand Avenue, Suite 2100
Los Angeles, California 90071
[Tel.] (213) 443-5300
[Fax] (213) 443-5400

Mark D. Selwyn (State Bar No. 244180)
Mark.selwyn@wilmerhale.com
950 Page Mill Road
Palo Alto, CA 94304
[Tel.] (650) 858-6000
[Fax] (650) 858-6100

Attorneys for Defendant Apple Inc.

[PROPOSED] ORDER

Pursuant to the stipulation of the parties and good cause appearing therefore;

IT IS SO ORDERED.

Dated: , 2014

The Honorable Lucy H. Koh
United States District Judge

I attest that concurrence in the filing of this document has been obtained from the other signatories listed above.

Dated: April 17, 2014

KERR & WAGSTAFFE LLP

By: /s/ Patricia L. Peden
Patricia L. Peden

CERTIFICATE OF SERVICE

I certify that on this day, April 17, 2014, I caused a copy of this Joint Stipulation Requesting Order to Extend Expert-Related Deadlines, and accompanying declaration of Howard J. Susser in support thereof, to be served on all counsel of record via the CM/ECF system.

KERR & WAGSTAFFE LLP

By: /s/ Patricia L. Peden
Patricia L. Peden

4832-0114-7162.2

- 9 -

**JOINT STIPULATION REQUESTING ORDER TO EXTEND EXPERT-RELATED DEADLINES AS SET FORTH IN APRIL 3, 2014 CASE MANAGEMENT ORDER (DKT. NO. 231)
CASE NO. 12-CV-02885-LHK**